

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States Courts  
Southern District of Texas  
FILED  
MH NOV 08 2004  
Michael A. Miller, Clerk

UNITED STATES OF AMERICA           §  
  
VS.   §       CR-H-04-25 (S-2)  
  
RICHARD A. CAUSEY,                   §  
JEFFREY K. SKILLING, and           §  
KENNETH L. LAY                       §

**KENNETH LAY'S DECLARATION OF ADOPTION OF JEFFREY SKILLING'S  
MOTION TO TRANSFER VENUE**

TO THE HONORABLE SIM LAKE:

Mr. Lay and his lawyers have examined "Jeffrey Skilling's Motion to Transfer Venue". Clearly the jury pool in the Southern District of Texas is compromised. The prejudice is so extensive, pervasive and profound that no remedy short of venue change is adequate. The Enron imbroglio is a once-in-a-lifetime event. If this case is not transferred for trial, then Rule 21(a) is a dead letter. When proven at hearing, Mr. Skilling's Motion will be conclusive. We have no option but to join, adopt and indeed re-urge his pleading and the declarations attached. The case must be moved to a suitable locale outside the State of Texas. Expense, inconvenience and personal preference must be set aside in the interest of a fair trial, and we reluctantly but firmly urge it be done. (Contrary to legal fiction, we do not believe that Judges are fungible and implore this Court to follow the case, which would allow all pre-trial matters to be handled in Houston and guarantee a continuity of judicial oversight.)

We cannot but add that Mr. Lay offered to waive a jury back in August—the written waiver remains on file—but as recently as last Friday the Task Force was either unable or unwilling to answer the challenge. Since their consent is necessary, since they remain silent and since today is the deadline the only viable avenue to a neutral, local and sophisticated fact-finder has been foreclosed by their silence. Thus with heavy hearts but with firm convictions we can do no other than to join and adopt Mr. Skilling's Motion and the declarations attached thereto.

Upon hearing, Mr. Lay offers to prove that he, much more than even Mr. Skilling, has been the object of a cascade of irresponsible calumnies which have become a part of the "Legend of Enron" and that their origin can, in part, be traced to agents of the Task Force, their allies or other agents of the Government. The local press has taken its leads, in part, from Government sources and substantially distorted and magnified such leads to an intolerable level. All of this has been in violation of the Sixth Amendment, the Due Process Clause of the Fifth Amendment, Rule 21(a) and the supervisory power of this Court to control criminal cases.

Wherefore, Kenneth L. Lay prays that a hearing occur and upon such hearing the present cause be transferred to an appropriate venue outside the State of Texas.

Respectfully submitted,



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MICHAEL RAMSEY  
2120 Welch  
Houston, Texas 77019  
713-523-7878  
713-523-7887 (Fax)



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BRUCE W. COLLINS  
CARRINGTON, COLEMAN,  
SLOMAN & BLUMENTHAL, L.L.P.  
200 Crescent Court, Suite 150  
Dallas, Texas 75201  
214-855-3000  
214-855-1333 (Fax)



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GEORGE McCALL SECREST, JR.  
BENNETT & SECREST, L.L.P.  
808 Travis Street, 24<sup>th</sup> Floor  
Houston, Texas 77002  
713-757-0679  
713-650-1602 (Fax)



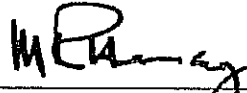
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CHIP B. LEWIS  
2120 Welch  
Houston, Texas 77019  
713-523-7878  
713-523-7887 (Fax)

Attorneys for Defendant,  
KENNETH L. LAY

CERTIFICATE OF CONFERENCE

I, the undersigned, hereby certify that counsel for co-defendants Causey and Skilling have no opposition to Kenneth Lay's Declaration of Adoption of Jeffrey Skilling's Motion to Transfer Venue. Members of the Enron Task Force refuse to return telephone calls.



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MICHAEL RAMSEY

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this the 8<sup>th</sup> day of November, 2004 a true and correct copy of the foregoing Kenneth Lay's Declaration of Adoption of Jeffrey Skilling's Motion to Transfer Venue has been delivered to the following, via Federal Express and email:

Daniel M. Petrocelli ([DPetrocelli@OMM.com](mailto:DPetrocelli@OMM.com))  
Matthew T. Kline ([MKline@OMM.com](mailto:MKline@OMM.com))  
O'MELVENY & MYERS, LLP  
1999 Avenue of the Stars, 7<sup>th</sup> Floor  
Los Angeles, CA 90067  
310-246-6850

Ronald G. Woods ([RonWoodsLaw@aol.com](mailto:RonWoodsLaw@aol.com))  
5300 Memorial, Suite 1000  
Houston, TX 77007  
713-862-9600

Reid Weingarten ([Rweingarten@step toe.com](mailto:Rweingarten@step toe.com))  
Mark Hulkower ([mihulkower@step toe.com](mailto:mihulkower@step toe.com))  
STEP TOE & JOHNSON  
1330 Connecticut Avenue, NW  
Washington, D.C. 20036  
202-429-6238

Linda Lacewell ([Linda.Lacewell2@usdoj.gov](mailto:Linda.Lacewell2@usdoj.gov))  
John Hueston ([John.Hueston@usdoj.gov](mailto:John.Hueston@usdoj.gov))  
Sean Berkowitz ([Sean.Berkowitz2@usdoj.gov](mailto:Sean.Berkowitz2@usdoj.gov))  
Enron Task Force  
DOJ Criminal Division  
1400 New York Avenue, NW  
10<sup>th</sup> Floor  
Washington, D.C. 20530

  
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MICHAEL RAMSEY

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KENNETH L. LAY                      §

ORDER

KENNETH L. LAY ADOPTS AND RE-URGES MR. SKILLINGS'S ORDER.